

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

DWAYNE A. BERGER,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 4:05 CV 2175

JUDGE PATRICIA A. GAUGHAN

**JUDGMENT ENTRY**

Pursuant to the Memorandum of Opinion issued in the above-captioned case this date, this action is dismissed pursuant to 28 U.S.C. § 2243. Further, the Court CERTIFIES pursuant to 28 U.S.C. §1915(a)(3), that an appeal from this decision could not be taken in good faith.

/s/ Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
UNITED STATES DISTRICT JUDGE

Dated: 12/9/05